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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-0157 SBA
)	
Plaintiff,)	
)	STIPULATION AND
v.)	PROTECTIVE ORDER
)	
WILLIAM A. HIRST,)	
)	
Defendant.)	

Plaintiff, United States of America and defendant, William A. Hirst, by and through their undersigned counsel, stipulate and agree as follows:

1. Except when being actively examined for the purpose of the preparation of the defense in this matter, the documents and materials containing personal identifying information, private financial information, private tax information of the Estate of C.D.A., and information contained in government employee personnel files produced by the government to defense counsel ("private documents"), shall be maintained in a manner such that they are accessible only to the defendant, defense counsel, employees of his law firm who are working with them to prepare the defense, and their investigators. Defense counsel, members of his law firm, the defendant, and the investigators shall not permit any person access of any kind to the private tax information documents or government employee personnel file information or disclose in any

1 manner the personal identifying and private financial and tax information of the Estate of C.D.A.
 2 or government employee personnel file information except as set forth below.

3 2. The following individuals may examine the documents and information related to
 4 the personal identifying, private financial and tax information of the Estate of C.D.A. and
 5 government employee personnel file for the purpose of preparing or assisting in the preparation
 6 of the defense in this matter:

- 7 a) Counsel for the defendant;
- 8 b) Employees of counsel for the defendant who are assisting with the
 9 preparation of the defense;
- 10 c) The defendant;
- 11 d) Third-party fact witnesses, but only in the presence of defense counsel or
 12 another authorized person listed in this paragraph;
- 13 e) Investigators and experts retained by the defendant or his counsel to assist
 14 in the defense of this matter;
- 15 d) Any ancillary individuals or entities defense counsel employs to assist in
 the preparation of the defense, including third-party vendors utilized for
 reproduction of materials to be solely used in the defense of this matter.

16 If defense counsel determines that additional persons are needed to review the material, they
 17 must obtain a further order of the Court before allowing any other individual to review the
 18 material.

19 3. A copy of this order shall be maintained with the documents at all times.

20 4. All individuals other than defense counsel, the defendant, those named above in
 21 paragraph 2 who receive access to the materials pursuant to this Order, prior to receiving access
 22 to the materials, shall sign a copy of this Order acknowledging that:

- 23 a) they have reviewed the Order;
- 24 b) they understand its contents;

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- 1 c) they agree to access the documents and information for the purposes of
2 preparing a defense in this matter;
3 d) they understand that failure to abide by this Order may result in sanctions
 by this Court.

4 5. No other person may be allowed to examine the material without further court
5 order. Examination of the documents shall be done in a secure environment which will prevent
6 exposure of the materials to other individuals not listed above.

7 6. The contemplated discovery materials may contain information relating to matters
8 that occurred before a grand jury. Rule 6(e)(3)(E)(I) of the Federal Rules of Criminal Procedure
9 permits the Court to “authorize the disclosure...of a grand-jury matter preliminarily to or in
10 connection with a judicial proceeding....” Here, the aforementioned defendant, by and through
11 his counsel, may appropriately receive the discovery materials and may require information
12 contained therein to adequately prepare and assess his case. The government may disclose
13 privileged documents and information protected from discovery, but is not bound to do so.
14 Disclosure, subject to the restrictions delineated in this order, may be appropriate so that the
15 United States may fulfill its discovery obligations.

16 7 Any pleadings that reveal the personal identifying or private financial information
17 of third parties, shall either be filed in accordance with Fed. R. Civ. P. 5.2 and Fed. R. Crim. P.
18 49.1 or shall be redacted to prevent the disclosure of such information or filed under seal. In the
19 case such a sealed pleading is filed, the parties agree to provide each other with copies of the
20 pleading filed under seal.

21 8. If the defendant does not file an appeal, within 30 court days of the filing of the
22 judgment and conviction or order dismissing all charges pertaining to that defendant, or, if the
23 defendant files an appeal, within 30 court days of the issuance of the mandate from the appellate
24 court as to the defendant, and if the United States Supreme Court has denied certiorari, or the
25 time to file a writ of certiorari has expired, all private documents provided to the defendant
26 pursuant to this Order, and all authorized copies, shall be returned to the Government or
27 destroyed. If the defendant believes that he must maintain the material for any other reason
28 related to this legal proceeding, including further appeal or other post-conviction relief, the

1 defendant shall seek authorization from the Court within the applicable 30-day period to further
2 retain the material.

3 MELINDA HAAG
4 United States Attorney

5
6 /s/
7 ANDREW D. ALLEN
Attorney of William Hirst

8 /s/
9 THOMAS MOORE
Assistant United States Attorney
Tax Division

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11
12 Dated: 9/4/12

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14 UNITED STATES DISTRICT JUDGE

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